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Before The  
FEDERAL COMMUNICATIONS COMMISSION JUL 10 2000  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

In re Applications of ) MM Docket No. 99-153  
)  
READING BROADCASTING, INC. ) File No. BRCT-940407KF  
)  
For Renewal of License of )  
Station WTVE(TV), Channel 51 )  
Reading, Pennsylvania )  
)  
and )  
)  
ADAMS COMMUNICATIONS CORPORATION ) File No. BPCT-940630KG  
)  
For Construction Permit for a New )  
Television Station to Operate on )  
Channel 51, Reading, Pennsylvania )  
  
To: Magalie Roman Salas, Secretary  
for direction to  
The Honorable Richard L. Sippel  
Administrative Law Judge

MOTION TO COMPEL PRODUCTION OF DOCUMENT  
IN ADVANCE OF EXAMINATION OF MICHEAL PARKER

1. For the reasons set forth herein, Adams Communications Corporation ("Adams") hereby requests that Reading Broadcasting, Inc. ("RBI") be compelled to produce to Adams, in advance of the examination of Micheal Parker currently scheduled for July 25, 2000, a memorandum, dated October 12, 1998, from Joshua Reznik to Howard Topel.

2. The upcoming examination of Mr. Parker will be directed to the descriptions of, inter alia, the Mt. Baker Broadcasting Co., Inc. and Religious Broadcasting Network proceedings which were included in a letter ("the Parker-Gaulke Letter") from Mr. Parker to Ann Gaulke, an official of Telemundo. Mr. Parker's letter to Ms. Gaulke was dated October 8, 1998. From statements

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made during the June hearing sessions with particular reference to the Parker-Gaulke Letter, Adams understands that RBI will take the position that, while Mr. Parker signed the Parker-Gaulke Letter, that letter was in fact authored by Howard Topel, who Adams believes was then serving as RBI's communications counsel. See Tr. 2335 (RBI counsel states that "It's my understanding that the [Parker-Gaulke Letter] was prepared under the direction or by Mr. Topel.")

3. In preparation for the upcoming July 25 session, Adams has reviewed RBI's responses to earlier discovery requests. In so doing, Adams has noted that, in response to Phase I and Phase II discovery requests presented by Adams, RBI identified

an internal legal memorandum of Fleischman & Walsh, L.L.P., dated October 12, 1998, which presents a summary of the proceedings and allegations relating to the character allegations previously raised against Micheal Parker, and entities in which he holds an interest.

See Attachments A and B hereto (respectively, Letter, dated September 30, 1999, from Thomas J. Hutton to Gene A. Bechtel; see also Letter, dated March 22, 2000, from Thomas J. Hutton to Harry F. Cole). RBI has withheld production of that memorandum ("the Reznik Memorandum"), citing the attorney-client and work-product privileges. Id.

4. RBI's assertion of, inter alia, the attorney-client privilege establishes that the Reznik Memorandum reflects communications between Mr. Parker and one or more attorneys at Fleischman & Walsh concerning the subject matter of the Reznik Memorandum, i.e., "the proceedings and allegations relating to

the character allegations previously raised against Micheal Parker, and entities in which he holds an interest". Absent such communications, no basis would exist for a claim that the document is protected by the attorney-client privilege,


5. The Reznik Memorandum (dated October 12, 1998) is contemporaneous with the Parker-Gaulke Letter (dated October 8, 1998). As noted above, Adams anticipates that Mr. Parker will assert in his upcoming appearance that the Parker-Gaulke Letter was authored by Mr. Topel (or some other attorney at Fleischman & Walsh). In that case, the Reznik Memorandum is likely to be relevant to that assertion, as it may confirm or contradict the nature and extent of Mr. Parker's involvement in the preparation of the Parker-Gaulke Letter and/or his familiarity with the assertions made in the Parker-Gaulke Letter and the bases for those assertions. And if Mr. Parker does not claim that the Parker-Gaulke Letter was authored by a Fleischman & Walsh attorney, the contemporaneous Reznik Memorandum may provide information concerning Mr. Parker's own understanding of the subject matter of the Parker-Gaulke Letter at the time that that letter was written (regardless of who wrote it).

6. Thus, the Reznik Memorandum may reasonably be expected to shed considerable light on Mr. Parker's state of mind relative to the manner in which he had previously described, both to the Commission and to Ms. Gaulke in the Parker-Gaulke Letter, his previous involvement in certain Commission-related matters including, e.g., the Mt. Baker and Religious Broadcasting

proceedings.

7. Accordingly, Adams requests the RBI be compelled to produce the Reznik Memorandum to Adams as soon as possible to assist in its preparation for the July 25, 2000 examination of Mr. Parker. At a minimum, Adams requests that the Presiding Judge immediately order the submission of the Reznik Memorandum to the Presiding Judge for his in camera inspection, consistently with his treatment of, e.g., the Dow, Lohnes & Albertson documents as to which privilege was asserted.

Respectfully submitted,

  
/s/ Harry F. Cole  
Harry F. Cole

Bechtel & Cole, Chartered  
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Suite 250  
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(202) 833-4190

Counsel for Adams Communications  
Corporation

July 10, 2000

ATTACHMENT A

Law Offices

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September 30, 1999

THOMAS J. HUTTON  
202-828-1892

Internet Address:  
thutton@hklaw.com

**VIA FACSIMILE (202) 833-3084**

Gene A. Bechtel, Esq.  
Bechtel & Cole, Chartered  
1901 L Street, N.W.  
Suite 250  
Washington, DC 20036

Dear Gene:

I am writing to you in response to ALJ Sippel's Order, FCC 99M-51, released September 14, 1999, with regard to documents in our possession with respect to your client, Adams Communications Corporation.

A review of Holland & Knight's files shows that we have copies of the following non-privileged documents relating to Adams Communications Corporation.

1. Transmittal letter to FCC, dated April 30, 1999 from Harry F. Cole on behalf of Adams Communications Corporation, with amendment to application (File No. BPCT-940630KG) for authority to construct a new television station in Reading, Pennsylvania.
2. Transmittal letter to FCC, dated June 30, 1994, from Harry F. Cole on behalf of Adams Communications Corporation, with an application (FCC Form 301) for a construction permit for a new commercial television station to operate on Channel 51 in Reading, Pennsylvania.
3. *Petition to Deny, Dismiss or Hold in Abeyance*, In re Applications of Desert 31 Television, Inc., Assignor, and Peoria Broadcasting Services, Inc., Assignee, For consent to the assignment of the license of International Broadcast Station KAIJ, Dallas, Texas (File Nos. BAPCT-971003LA and BALIB-970912VT), filed November 17, 1997, by Adams Communications Corporation.

Gene A. Bechtel, Esq.  
September 30, 1999  
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4. *Order*, In re Adams Communications Corporation, No. 99-1015 (D.C. Cir. June 9, 1999), dismissing Adams Communications Corporation's petition for writ of mandamus.
5. *Report by FCC to D.C. Cir. on status of Adams Communications Corporation's application*, In re Adams Communications Corporation, No. 99-1015, filed May 7, 1999.
6. *Order*, In re Adams Communications Corporation, No. 99-1015 (D.C. Cir. April 29, 1999), requiring FCC to file a report indicating status of Adams Communications Corporation's application.
7. *Order*, In re Adams Communications Corporation, No. 99-1015 (D.C. Cir. April 13, 1999), granting intervenor's motion for leave to file comments.
8. *FCC Response to Comments of Intervenor Reading Broadcasting, Inc.*, In re Adams Communications Corporation (No. 99-1015), filed March 26, 1999.
9. *Order*, In re Adams Communications Corporation, No. 99-1015 (D.C. Cir. March 11, 1999), granting Adams Communications Corporation motion for leave to file a reply out of time.
10. *Adams Communications Corp.'s Petitioner's Motion for Leave to File Reply*, In re Adams Communications Corporation, No. 99-1015, filed March 4, 1999.
11. *FCC Response to Petition for Writ of Mandamus*, In re Adams Communications Corporation, No. 99-1015, filed February 18, 1999.
12. *Adams Communications Corp.'s Third Petition for Writ of Mandamus*, filed January 11, 1999.
13. *Judgment*, On Petition for Writ of Mandamus from the Federal Communications Commission, In re Adams Communications Corporation, No. 97-1493 (D.C. Cir. March 20, 1998), denying writ of mandamus In re Adams Communications Corporation.
14. *Order*, In re Adams Communications Corporation, No. 97-1493 (D.C. Cir. March 5, 1998), allotting times for oral argument.
15. *Order*, In re Adams Communications Corporation, No. 97-1493 (D.C. Cir. December 29, 1997), granting intervenor's motion for acceptance of late filing.
16. *Order*, In re Adams Communications Corporation, No. 97-1493 (D.C. Cir. December 9, 1997), scheduling oral argument on the case.
17. *Reading Broadcasting, Inc.'s Motion for Acceptance of Late Filing*, In re Adams Communications Corporation, No. 97-1493, filed December 9, 1997.
18. *Reading Broadcasting, Inc.'s Opposition to Petition for Writ of Mandamus*, In re Adams Communications Corporation, No. 97-1493, filed October 17, 1997, resubmitted December 9, 1997.

Gene A. Bechtel, Esq.  
September 30, 1999  
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19. Transmittal letter, dated December 4, 1997, by Office of General Counsel, FCC, with FCC's *Opposition to the Petition for Writ of Mandamus*, In Re Adams Communications Corp., No. 97-1493, and copy of Notice of Proposed Rule Making, FCC 97-397.
20. Adams Communications Corporation's *Consolidated Reply to Oppositions to Petition for Writ of Mandamus*, In re Adams Communications Corp., No. 97-1493, filed October 30, 1997.
21. Reading Broadcasting, Inc.'s *Opposition to Petition for Writ of Mandamus*, In re Adams Communications Corp., No. 97-1493, filed October 17, 1997.
22. *Order*, In re Adams Communications Corp., No. 97-1493 (D.C. Cir. September 17, 1997), setting forth dates and page length limitations for responsive pleadings.
23. *Order*, In re Adams Communications Corp., No. 97-1493 (D.C. Cir. September 17, 1997), granting motion for leave to intervene by Reading Broadcasting, Inc.
24. Reading Broadcasting, Inc.'s *Motion for Leave to Intervene*, In re Adams Communications Corp., No. 97-1493, filed September 2, 1997.
25. Adams Communications Corporation's *Petition for Writ of Mandamus*, filed August 13, 1997.
26. *Order*, In re Adams Communications Corp., No. 97-1141, (D.C. Cir. April 22, 1997), dismissing Reading Broadcasting, Inc.'s motion to intervene as moot.
27. Reading Broadcasting, Inc.'s *Motion for Leave to Intervene*, In re Adams Communications Corp., No. 97-1141, filed April 16, 1997.
28. Adams Communications Corp.'s *Petition for Writ of Mandamus*, filed March 17, 1997.

We have asked representatives of Reading Broadcasting, Inc. to provide any additional documents from the company's files. We will forward those once we have received them.

We believe it to be likely that you already have copies of the above-listed documents. We also believe that these documents are currently available from public records. In order to avoid unnecessary duplication costs and inundate you with copies of documents already in your possession, we ask that you accept this list, in lieu of producing copies, as complying with the Judge Sippel's Order. However, in the event that you would like to copy any or all of the documents listed above, please let us know and we will provide them. Should we come across any other non-privileged documents, we will advise accordingly.



Gene A. Bechtel, Esq.  
September 30, 1999  
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Privileged Materials

We have discovered one document in our files for which we claim attorney work-product privilege and attorney-client privilege. The document is an internal legal memorandum of Fleischman & Walsh, L.L.P., dated October 12, 1998, which presents a summary of the proceedings and allegations relating to the character allegations previously raised against Micheal Parker, and entities in which he holds an interest.

Please call if you have any questions.

Very truly yours,

HOLLAND & KNIGHT LLP

A handwritten signature in cursive script that reads "Thomas J. Hutton".

Thomas J. Hutton

ATTACHMENT B

# HOLLAND & KNIGHT LLP

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**THOMAS J. HUTTON**  
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Internet Address:  
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March 22, 2000

## VIA HAND DELIVERY

Harry F. Cole, Esq.  
Bechtel & Cole, Chartered  
1901 L Street, N.W.  
Suite 250  
Washington, DC 20036

Dear Harry:

Enclosed are additional documents in response to Adams Communications Corporation's November 16, 1999 "First Set of Document Requests Relative To the Misrepresentation/Lack of Candor Issue." Also enclosed are documents that were found in the most recent review that are responsive to prior document requests. These are a February 18, 1994 letter from Mike Parker to Harvey Massey and two drafts of a Reading Broadcasting, Inc. newsletter (Fall, 1992 – Winter, 1993). Please also note that, as with the prior document requests, Reading Broadcasting, Inc. is asserting attorney-client privilege and attorney work product privilege as to an internal Fleischman & Walsh memorandum (from Joshua Resnik to Howard Topel) dated October 12, 1993 relating to the misrepresentation/lack of candor allegations asserted against applications to which Micheal Parker was a party by Adams Communications Corporation and Shurberg Broadcasting of Hartford.

Sincerely,

HOLLAND & KNIGHT LLP



THOMAS J. HUTTON

Enclosures

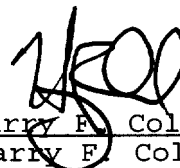
CERTIFICATE OF SERVICE

I hereby certify that, on this 10th day of July, 2000, I caused copies of the foregoing "Motion to Compel Production of Document in Advance of Examination of Micheal Parker" to be hand delivered (as indicated below), addressed to the following:

The Honorable Richard L. Sippel  
Chief Administrative Law Judge  
Federal Communications Commission  
445 12th St., S.W. - Room 1-C864  
Washington, DC 20554  
(BY HAND)

James Shook, Esquire  
Enforcement Bureau  
Federal Communications Commission  
445 12th Street, N.W. - Room 3-A463  
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Thomas J. Hutton, Esquire  
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Counsel for Reading Broadcasting, Inc.  
(BY HAND)

  
\_\_\_\_\_  
/s/ Harry F. Cole  
Harry F. Cole